

SENIORITY DATE-PROTECTION

RULE 102: FIREMEN-SENIORITY DATE-PROMOTION

- a) Firemen shall rank on the firemen's roster from the date of their first service as fireman when called for such service, after having qualified.
- b) Firemen shall be promoted to Engineers as provided in the Company training program, and shall be accorded a seniority date of Engineer as of the date they successfully complete the training program.

RULE 103: SENIORITY DATE ESTABLISHED

Retained but not reproduced herein.

RULE 104: POSTING SENIORITY RANK

Retained but not reproduced herein.

RULE 105: DEMOTED ENGINEERS

- a) No demoted Engineer will be permitted to hold a run as a fireman on the seniority district while a junior Engineer is working on the Engineers' extra list or holding a regular assignment on such seniority district.

NOTE: For First and Third District Self-Demote Agreements **See Appendix K**

- b) Qualification--Types Of Locomotives.

An Engineer who is not qualified for a particular type of locomotive or train or the operation thereof will, nevertheless, be called in his turn, except as provided by Rule 13(a), and will be accompanied by the Manager of Operating Practices ~~Read Foreman of Engines~~ if available, or a qualified Engineer selected by the Company.

An unqualified regular or Extra Engineer not called in his turn at home terminal in accordance with this section will be paid what he would have received for the service trip and will be placed at the foot of the board when the Engineer who was used on the trip returns to the home terminal. If an unqualified Engineer is not called in turn at far terminal he will be allowed 100 miles and stand first out.

The Engineer selected by the Company as instructor will be allowed the compensation received by the Engineer he is instructing, but will receive not less than he would have earned had he continued working on his regular assignment. When used off the district to which he is assigned, actual expense incurred will be allowed.

The preceding paragraph does not preclude the carrier from establishing Field Peer Trainers to perform this type of training pursuant to the 1996 BLE System Peer Trainer Agreement as modified in 2008 on this property. **See Appendix G**

The Engineer instructor may be selected without regard to seniority or standing on the board and no claim will be presented or considered from other Engineers because of such selection. The Engineer instructor will not act in the capacity of a Manager of Operating Practices ~~Read Foreman of Engines~~ in the qualifying of Engineers.

RULE 106: MILEAGE REGULATIONS

The portions of rule 106 that pertain to passenger service are retained but not reproduced.

- a. When from any cause it becomes necessary to reduce the number of Engineers on the Engineers' working lists on any seniority district, those taken off may, if they so elect, displace any fireman their junior on that seniority district under the following conditions:
- b. That no reductions will be made so long as those in assigned, pooled or chain gang freight, or other service paying freight rates, are averaging between the equivalent of 3500 and 3800 miles per month; in extra freight or extra yard service are averaging between the equivalent of 3500 and 3800 miles per month.

That when reductions are made they shall be in reverse order of seniority.

- c. Engineers taken off under this rule shall be returned to service as Engineers in the order of their seniority as Engineers, and as soon as it can be shown that Engineers in assigned, pooled, chain gang or other regular service paying freight rates, the equivalent of 3800 miles per month; and in extra freight or extra yard service are averaging the equivalent of 3800 miles per month.
- d. In the regulation of assigned service, sufficient men will be assigned to keep mileage or equivalent thereof within limitations of 3500 and 3800 miles for other regular service and 3500 and 3800 miles in extra freight or extra yard service, as provided herein. If in any service, additional assignments would reduce earnings below these limits, regulations will be effected by requiring the regularly assigned man or men to lay off when the equivalent of 3800 miles in other regular service, or 3800 miles in extra freight or extra yard service has been reached.
- e. If any Engineer in assigned service exceeds his maximum miles or days in any 30 day working period the excess will be charged to his mileage or days in his following working period. This shall not apply to Engineers who are required to exceed their maximum mileage due to a shortage of Engineers.
- f. When equivalent to 3800 miles in freight service has been reached, such Engineers will be withheld from service as Engineers at request of Local Chairman. Engineers who exceed equivalent of 3800 miles as prescribed herein will have excess mileage charged against them in following month, except when required to exceed 3800 miles due to a shortage of Engineers.
- g. In assigned yard service, regulation will be made by requiring each regularly assigned man to lay off when he has earned the equivalent of 38 days per month.
- h. Retained but not reproduced
- i. In the regulation of mileage neither the maximum nor the minimum is guaranteed.

RULE 107: STATEMENT OF MILEAGE

A statement of mileage made by chain-gang freight and extra men, separately, will be furnished the regularly constituted committee on completion of time rolls for each semi-monthly pay day.

RULE 108: REGISTERING AND CHECKING MILEAGE

- a) Except where charted mileage has been adopted, Engineers in all classes of service paying freight rates will register their accumulated mileage on arrival at home point in book provided for that purpose. Failing to so register their mileage they will not be entitled to their turn out. This rule shall not operate to penalize the Company.
- b) In regulating the working lists of Engineers in classes of service paying freight rates, adjustments may be made at any time upon the basis of the average mileage for the preceding 7 days or as determined locally by the parties, using accumulated mileage as registered by Engineers in book provided for that purpose, or the charted mileage where appropriate, as a basis of calculations.

RULE 109: ENACTING AND TERMINATING-PROVISION

This agreement shall be effective as of April 4, 2011 and shall continue in effect until it is changed as provided herein or under the provisions of the Railway Labor Act

Should either of the parties to this agreement desire to revise these rules, 30 days' written advance notice, containing the proposed changes shall be given, and conference shall be held immediately upon the expiration of said notice unless another date is mutually agreed upon.

It is understood and agreed that this agreement is superseded by and subordinate to any municipal, state, or federal legislation.

FOR THE EMPLOYEES

/s/ Michael Young
Michael A. Young
General Chairman
Brotherhood of Locomotive Engineers

/s/ Mark F. Chenchar
Mark F. Chenchar
1st Vice General Chairman
Brotherhood of Locomotive Engineers

FOR THE COMPANY

/s/ Deborah K. Peitzmeier
Deborah K. Peitzmeier
Director, Labor Relations
Union Pacific Railroad

/s/ Liz Dewald
E.N. Dewald
Asst. Director, Labor Relations
Union Pacific Railroad